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by private individuals or corporations. *Town of La Grange* v. *Overstreet* (1910), — Ky. —, 132 S. W. 169. Cases opposing the doctrine of the *Gregston* case, above cited, may be found however—see *Gordon* v. *Peltzer*, 56 Mo. App. 599; *Adams* v. *Fletcher*, 17 R. I. 137; *Fisher* v. *Thirkell*, 21 Mich. 1. The court distinguishes the principal case from the *Gregston* case by holding that in the latter contractual relations binding on the parties sufficient to create an estoppel on the part of the city existed, while in the former no such condition was present.

NEGLIGENCE—COMPARATIVE NEGLIGENCE. — Deceased, a section foreman, while going to work on a hand car on a dark, foggy morning, was struck and killed by a locomotive and caboose running as an irregular train ahead of a passenger train of which decedent had notice. The engineer was running at the usual speed, and although his headlight had been extinguished, he was not aware of the fact and it was not feasible to tell from his position whether it was burning or not. It also appeared that the engineer failed to sound his whistle at the highway or mile-post as required. *Held*, (WINSLOW, C. J., and SIEBECKER, J., dissenting) that the engineer's negligence was not gross, as compared to that of decedent, so as to entitle plaintiff to recover, notwithstanding decedent's contributory negligence, under the doctrine of comparative negligence. *Dohr* v. *Wisconsin Central Ry. Co.* (1911), — Wis. —, 129 N. W. 252.

The doctrine of comparative negligence has been stated as follows: "The degrees of negligence must be measured and considered, and whenever it shall appear that the plaintiff's negligence is comparatively slight and that of the defendant gross, he should not be deprived of his action." *Galena Ry.* v. *Jacobs*, 20 Ill. 478. This doctrine was made part of the law of Wisconsin by statute in 1907, and a similar doctrine has been enunciated in the statutes of Florida and Georgia. *Fla. So. Ry. Co.* v. *Hirst*, 30 Fla. 1, 11 South. 506, 32 Am. St. Rep. 17, 16 L. R. A. 631; *Ala. etc. Ry. Co.* v. *Coggins*, 88 Fed. 455, 32 C. C. A. 1; *Atl. Coast Line Ry. Co.* v. *Taylor*, 54 S. E. 622, 125 Ga. 454. It was adopted in Kansas in *Union Pac. Ry.* v. *Rollins*, 5 Kan. 167, but repudiated in *Atchison etc. Ry.* v. *Henry*, 57 Kan. 154, 45 Pac. 576, and has been rejected in Illinois, the state of its origin, where, too, it had its greatest development. *Macon* v. *Holcomb*, 205 Ill. 643, 69 N. E. 79. Except where recognized by statute it probably does not obtain now in any jurisdiction. The dissenting judges in the principal case took the view that there was ample evidence to warrant submitting to the jury the question of the quantum or extent of the negligence on each side; the majority of the court holding that that question should not have been left to the jury since there was no evidence from which a court or jury could say that the negligence of the injured was slighter than that of the injurer.

PRINCIPAL AND AGENT—KNOWLEDGE OF THE ATTORNEY—EFFECT ON CLIENT. —A wife devised a life estate to her husband and remainder to her son who was her executor. The son purchased a judgment against the father, and then purchased the father's life estate on execution sale. He later mort-